



David McCraw
Vice President and
Assistant General Counsel

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620 Eighth Avenue
New York, NY 10018

tel 212.556-4031
fax 212.556-4634
mccraw@nytimes.com

VIA ECF

Hon. Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street, Room 1350
New York, NY 10007

Re: New York Times v. Department of Justice, 11 Civ. 9336 (CM) – Application for Scheduling Order for Attorney's Fees Briefing

Dear Judge McMahon:

I write on behalf of Plaintiffs The New York Times Company, Charlie Savage, and Scott Shane (together, “The Times”) concerning the briefing schedule for The Times’s application for attorney’s fees in the above-referenced Freedom of Information Act (“FOIA”) case.

On November 23, 2015, the Second Circuit issued the public version of its decision (Docket No. 54) on the appeal taken by The Times from this Court’s Decision on Remand (Docket No. 52). Once the Court releases the three previously redacted paragraphs from the Decision on Remand, pursuant to the Second Circuit’s decision, all issues from the parties’ cross-motions for summary judgment will be resolved.

Prevailing plaintiffs in a FOIA case are entitled to attorney’s fees by statute. Under Fed. R. Civ. P. 54, the motion is to be filed within 14 days of entry of judgment. However, Plaintiffs and Defendants have agreed to engage in settlement discussions of the fees issue and are hopeful that a resolution can be reached without motion practice. Some

time will be needed to conduct and complete those discussions. Accordingly, we respectfully ask the Court to extend the time for any motion for fees by The Times until February 16, 2016. Defendant has agreed to the extension to that date.

We thank the Court for its consideration.

Respectfully submitted,



David E. McCraw

cc: Sarah Normand, AUSA